KA / BG-GPO/2515/WPP-47/2006-2008 ಸುವರ್ಣ ಕರ್ನಾಟಕ 2006



ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರ

ಅಧಿಕೃತವಾಗಿ ಪ್ರಕಟಿಸಲಾದುದು

ಸಂಪುಟ ೧೪೧	ಬೆಂಗಳೂರು, ಗುರುವಾರ, ಮಾರ್ಚ್ ೨೩, ೨೦೦೬ (ಚೈತ್ರ ೦೨, ಶಕ ವರ್ಷ ೧೯೨೮)	ಸಂಚಿಕೆ ೧೨

ಭಾಗ - ೪

ರಾಜ್ಯದ ವಿಧೇಯಕಗಳ ಮತ್ತು ಅವುಗಳ ಮೇಲೆ ಪರಿಶೀಲನಾ ಸಮಿತಿಯ ವರದಿಗಳು, ರಾಜ್ಯದ ಅಧಿನಿಯಮಗಳು ಮತ್ತು ಅಧ್ಯಾದೇಶಗಳು, ಕೇಂದ್ರದ ಮತ್ತು ರಾಜ್ಯದ ಶಾಸನಗಳ ಮೇರೆಗೆ ರಾಜ್ಯ ಸರ್ಕಾರವು ಹೊರಡಿಸಿದ ಸಾಮಾನ್ಯ ಶಾಸನಬದ್ಧ ನಿಯಮಗಳು ಮತ್ತು ರಾಜ್ಯಾಂಗದ ಮೇರೆಗೆ ರಾಜ್ಯಪಾಲರು ಮಾಡಿದ ನಿಯಮಗಳು, ಹಾಗೂ ಕರ್ನಾಟಕ ಉಚ್ಚ ನ್ಯಾಯಾಲಯವು ಮಾಡಿದ ನಿಯಮಗಳು.

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಸಚಿವಾಲಯ

ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 23 ಕೇನಿಪ್ರ 2006, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 23ನೇ ಫೆಬ್ರವರಿ 2006

2005ನೇ ಸಾಲಿನ ಡಿಸೆಂಬರ್ 30ನೇ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ-II ಸೆಕ್ಷನ್ 3(i)ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ GSR 755(E) [Notification No.F.No. 450/67/2003-Cus.IV] ದಿನಾಂಕ: 30.12.2005 ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF FINANCE

(Department of Revenue)

NOTIFICATION

New Delhi, the 30th December, 2005

No. 114/2005-CUSTOMS (N.T.)

G.S.R. 755 (E).- In exercise of the powers conferred by clause (h) of sub-section (2) of section 156, read with sub-section (3) of section 137, of the Customs Act, 1962 (52 of 1962), the Central Government hereby makes the following rules, namely :-

1. Short title and commencement - (1) These rules may be called the Customs (Compounding of Offences) Rules, 2005.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions - In these rules, unless the context otherwise requires.-

(a) "Act" means the Customs Act, 1962 (52 of 1962) ;

(b) "applicant" means any importer, exporter or any other person, but shall not include officers of Customs as appointed by Board or Commissioner or Customs under section 4 ;

(c) "compounding authority" means the Chief Commissioner of Customs, having jurisdiction over the place where the offence under the Customs Act, 1962, has been or alleged to have been committed ;

(d) "form" means the form appended to these rules ;

(e) "reporting authority" means the Commissioner of Customs, having jurisdiction over the place where the offence under the Act has been of alleged to have been committed or any other officer as may be authorized in this regard by the Chief Commissioner of Customs having jurisdiction over the place where such offence has been or alleged to have been committed ;

(f) "section" means a section of the Act ; and

(g) words and expressions used in these rules and not defined but defined in the Act shall have the respective meanings assigned to them in the Act.

3. Form and manner of application.- (1) An applicant may, either before or after institution of prosecution, make an application under sub-section (3) of section 137 in the form appended to these rules, to the compounding authority for compounding of the offence.

Explanation .- Where an offence has been committed at more than one place falling under the jurisdiction of more than one compounding authority, then the Chief Commissioner of Customs having jurisdiction over such place where the value of goods seized, or the amount of duty evaded or attempted to be evaded or amount of export incentives wrongly claimed ar attempted to be claimed wrongly is more than others shall be the competent authority.

4. Procedure on receipt of application under rule 3.- (1) On receipt of an application under rule 3, the compounding authority shall call for a report from the reporting authority with reference to the particulars furnished in the application, or any other information, which may be considered relevant for examination of such application.

(2) Such report shall be furnished by the reporting authority within a period of one month or within such extended period as may be allowed by the compounding authority, from the date of receipt of communication from the compounding authority.

(3) The compounding authority after taking into account the contents of the said application may, by order, either allow the application indicating the compounding amount in terms of rule 5 and grant him immunity from prosecution in terms of rule 6 or reject such application :

Provided that application shall not be rejected unless an opportunity has been given to the applicant of being heard and the grounds of such rejection hare mentioned in such order.

(4) A copy of every order under sub rule (3) shall be sent to the applicant.

(5) The applicant shall, within a period of thirty days from the date of receipt of order under sub-rule (3) allowing the compounding of offences, pay the compounding amount, as ordered to be paid by the compounding authority and shall furnish the proof of such payment to the compounding authority.

(6) The compounding amount once paid shall not be refunded except in cases where the Court rejects grant of immunity from prosecution.

(7) The applicant cannot claim, as of right, that his offence shall be compounded.

5. Fixation of the Compounding amount.- For the purpose of compounding of offences under the various provisions of the Act, the compounding amount shall be as provided herein below.-

S. No.	Offence	Compounding amount
1	Offence specified under section 132 of the Act	Rupees fifty thousand for the first offence and to be increased by hundred per cent. of this amount for each subsequent offence.
2	Offence specified under section 133 of the Act	Rupees fifty thousand for the first offence and to be increased by hundred per cent. of this amount for each subsequent offences
3	Offence specified under section 134 of the Act	Rupees fifty thousand for the first offence and to be increased by hundred per cent. of this amount for each subsequent offence

4	Offence specified under section 135 (1) (a) of the Act	Upto twenty per cent. of market value of the goods or Rupees ten lakhs whichever is higher.
5	Offence specified under section 135 (1) (b) of the Act	Upto twenty per cent. of market value of the goods or Rupees ten lakhs whichever is higher.
6	Offence specified under section 135 (1) (c) of the Act	Upto twenty per cent. of market value of the goods or Rupees ten lakhs whichever is higher.
7	Offence specified under section 135 A of the Act	Upto twenty per cent. of market value of the goods or Rupees ten lakhs whichever is higher.

6. Power of Compounding authority to grant immunity from prosecution.- The compounding authority, if he is satisfied that any person who has made the application for compounding of offence under these rules has co-operated in the proceedings before him and has made full and true disclosure of facts relating to the case, grant to such person, subject to such conditions as he may think fit to impose, immunity from prosecution for any offence under the Customs Act, 1962 with respect to the case covered by the compounding of offences.

7. Withdrawal of Immunity from Prosecution in certain conditions.-

(1) An immunity granted to a person under rule 6 shall stand withdrawn if such person fails to pay any sum specified in the order of compounding passed by the Compounding authority, under sub-rule (3) of rule 4 within the time specified in such order or fails to comply with any other condition subject to which the immunity was granted and thereupon the provisions of the Customs Act, 1962 shall apply as if no such immunity had been granted.

(2) An immunity granted to a person under sub rule (1) above may, at any time be withdrawn by the Compounding authority, if he is satisfied that such person had, in the course of the compounding proceedings, concealed any particulars, materials or had given false evidence, and thereupon such person may be tried for the offence with respect to which immunity was granted or for any other offence that appears to have been committed by him in connection with the compounding proceedings and thereupon the provisions of the Customs Act, 1962 shall apply as if no such immunity had been granted.

FORM

(see rule 3)

(Application for compounding offence)

1. Full Name and address of the applicant :
2. Adress for communication :
3. (i) Permanent Account Number (PAN) :
   (ii) Import Export Code (IEC) No :
4. Commissioner of Customs having jurisdiction over the applicant :
5. The violation of provisions of Customs Act, 1962, against which prosecution is instituted or contemplated for which application of Compounding :
6. Details of Bill (s) of Entry / Shipping Bill (s) / Adjudication order in relation to the case for compounding :
7. Date of seizure, if any :
8. Brief facts of the case and particulars of the offence (s) charged :
9. Whether Show Cause Notice issued :
10. If yes, details of duty / export incentives demanded :
11. Whether Show Cause Notice has been adjudicated :
12. If yes, adjudication details :
    (a) Amount of duty confirmed :
    (b) Export incentive to be recovered / denied :
    (c) Fine imposed :
    (d) Penalty imposed :

13. Whether this is the first offence under the Customs Act, 1962. If not details of previous cases :
14. Whether any proceedings for the same offence contemplated under any other law, if so the details thereof :

Name and Signature of the applicant.

DECLARATION

1. I shall pay the compounding amount, as may be fixed by the compounding authority under sub-rule (3) of Rule 4 of the Customs (Compounding of Offences) Rules, 2005.
2. I understand that I cannot claim, as of right that the offence committed by me under the Act shall be compounded.

Name and Signature of the applicant.

VERIFICATION

I, ... the son / daughter / wife of .... residing at .... do solemnly declare that I am making this application in my capacity as .... and I am competent to verify it.

That the contents of this aplication are true to the best of my knowledge and belief and no information relevant to the facts of the case has been suppressed. The documents accompanying the application are true copies of the originals and the tables showing financial transactions are correct and are duly attested by me.

Verified today the .... day of ....(month), ... (year) at ....

Name and Signature of the applicant.

Place :

Date:

[F.No. 450/67/2003-Cus.IV]

ANUPAM PRAKASH, Under Secy.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ

ರಿಚಾರ್ಡ್ ಲೋಬೋ

ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ, ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ,

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

ಪಿ.ಆರ್. 18

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಸಚಿವಾಲಯ

ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 28 ಕೇನಿಪ್ರ 2006, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 23ನೇ ಫೆಬ್ರವರಿ 2006

2005ನೇ ಸಾಲಿನ ಡಿಸೆಂಬರ್ 29ನೇ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ-II ಸೆಕ್ಷನ್ 3(i)ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ S.O. 1842 (E) [Notification No.F.No. 109-6/2001/Trade] ದಿನಾಂಕ: 29.12.2005 ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF AGRICULTURE

(Department of Animal Husbandry, Dairying and Fisheries)

NOTIFICATION

New Delhi, the 29th December, 2005

S.O. 1842 (E).- In exercise of the powers conferred by section 3A of the Live-stock Importation Act, 1898 (9 of 1898), the Central Government hereby prohibits, restricts or regulates the import of pet food products of animal origin into India in the manner specified herein and for the said purpose makes the following Order, namely :-

1. Short title and commencement.- (1) This Order may be called the Pet Food Products of Animal Origin (Import into India) Order, 2005.

(2) It shall come into force on the date of its publication in the Official Gazette.

2. Definations.- In this Order, unless the context otherwise requires,-

(a) "consignment" means any quantity of pet food products and animal origin consigned from one party to another at one time shipment and covered by s Sanitary Import Certificate, bill of entry of custom or shipping or airways bill or invoice ;

(b) "Designated Competent Authority" means the Joint Secretary (Trade), Government of India, Department of Animal Husbandry, Dairying and Fisheries, Ministry of Agriculture ;

(c) "Form" means a form appended to this Order ;

(d) "import" means an act of bringing into a designated place in the territory of India any kind of pet food product ;

(e) "Import Risk Analysis" means the process of evaluating biological or other scientific and economic evidence to determine for regulating the import of the pet food product of animal origin and the sanitary and phyto-sanitary measures to be taken against it ;

(f) "Inspection Authority" means the In-charge of animal quarantine certification centre at Delhi, Mumbai, Kolkata or Chennai or any other officer specified by the Government by notification in the Official Gazette ;

(g) "laboratory" means any laboratory approved and notified by the Government of India in the Ministry of Agriculture for testing the products ;

(h) "pet food product of animal origin" means any food containing all kinds of edible ingredient from animal origin from nutritional point of view used for feeding the dog or cat and covered under the ITC-HS Code 2309.10.00 relating to dog or cat food put up for retail sale ;

(i) "port of entry" means any sea port, airport or land border check post or any other port as specified by the Central Government notification in the Official Gazette, from time to time ;

(j) "regulated article" means any article, the import of which is regulated by this Order ;

(k) "Risk Analysis Committee" means the committee of experts functioning under the chairmanship of the Animal Husbandry Commissioner of the Department of Animal Husbandry, Dairying and Fisheries in the Ministry of Agriculture ;

(l) "sanitary conditions" means the conditions laid down by the Risk Analysis Committee after conducting the risk analysis for the specified product ;

(m) "Sanitary Import Permit" means an official document authorizing importation of a consignment in accrodance with specified sanitary requirements ;

(n) "Schedule" means a schedule appended to this Order.

3. General conditions for Import pet food product of animal origin.- Any pet food product of animal origin shall be permitted by the Central Government to be imported into India subject to the following conditions, namely:-

(i) No consignment of pet food product of animal origin shall be imported into India without a valid sanitary import permit issued under sub-clause (iv).

(ii) All applications for grant of permit to import consignments of pet food product of animal origin by land, air or sea shall be sent in five copies in Form A or Form B, whichever is relevant, at least one month in advance to the Designated Competent Authority and the application for the import of each item shall be made separately in Form A or B, as the case may be, in the manner laid down in this Order.

(iii) The sanitary import permit shall be issued for import of pet food product of animal origin if, after a detailed import risk analysis, the concerned authorities are satisifed that the import of the consignment shall not adversely affect the health of the animal or human beings or both in India.

agency apporved by the Government of India in the Department of Animal Husbandary, Dairying and Fisheries, arrange for disinfection or other treatment of the consignment, under the supervision of a duly authorised quarantine or veterinary officer.

5. Responsibilities of importer.- It shall be the responsibility of the importer -

(i) to bring the pet food product to the concerned Animal Quarantine and Certification Services Station, or to the place of inspection, disinfection or treatment or testing as directed by the Quarantine or veterinary officer duly authorized on this behalf ;

(ii) to open, repack and load into or unload from the Animal Quarantine Station and seal the consignment ; and

(iii) to remove the consignment after inspection and treatment or testing, as the case may be, in accordance with the directions of the Quarantine or verterinary officer duly authorized by the Government of India in the Department of Animal Husbandry, Dairying and Fisheries.

6. Power of Central Government to relax conditions.- The Central Government may, in public interest, and for reasons to be recorded in writing relax any of the conditions specified in this Order relating to all or any permit granted in relation to the import of pet food product of animal origin into India.

7. Post entry quarantine requirement.- (1) On arrival of the consignment of pet food product of animal origin in India and the documents shall be examined by the Inspection Authority, nominated by the Central Government.

(2) On arrival of the consignement of pet food product of animal origin in India, samples shall be drawn for testing for risk analysis pertaining to diseases, pesticides and the like before the consignment is released for sale.

(3) In case of positive findings of any disease, pesticide or other risk factor, appropriate action shall be taken by the Government of India in the Department of Animal Husbandry, Dairying and Fisheries, at the cost of the importing agency.

(4) On arrival of the consignment of pet animal product of animal origin in India, the importing agency shall give an undertaking to the Central Government that at no point of time.

(a) the imported product shall not find way to animal food chain other than dogs and cats ;

(b) left-over of the product should be disposed off through incineration ; and

(c) the labeling of the pet food product of animal origin shall be done in the local or regional language of destination.

(g) "laboratory" means any laboratory approved and notified by the Government of India in the Ministry of Agriculture for testing the products ;

(h) "pet food product of animal origin" means any food containing all kinds of edible ingredient from animal origin from nutritional point of view used for feeding the dog or cat and covered under the ITS-HS Code 2309.10.00 relating to dog or cat food put up for retail sale ;

(i) "port of entry" means any sea port ; airport or land border check post or any other port as specified by the Central Government notification in the Official Gazette, from time to time ;

(j) "regulated article" means any article, the import of which is regulated by this Order ;

(k) "Risk Analysis Committee" means the committee of experts functioning under the chairmanship of the Animal Husbandry Commissioner of the Department of Animal Husbandry, Dairying and Fisheries in the Ministry of Agriculture ;

(l) "sanitary conditions" means the conditions laid down by the Risk Analysis Committee after conducting the risk analysis for the specified product ;

(m) ; Sanitary Import Permit" means an official document authorizing importation of a consignment in accordance with specified sanitary requirements ;

(n) "Schedule" means a schedule appended to this Order.

3. General conditions for Import per food product of animal origin.- Any pet food product of animal origin shall be permitted by the Central Government to be imported into India subject to the following conditions, namely :-

(i) No consignment of pet food product of animal origin shall be imported into India without a valid sanitary import permit issued under sub-clause (iv).

(ii) All applications for grant of permit to import consignments of pet food product of animal origin by land, air or sea shall be sent in five copies in Form A or Form B, whichever is relevant, at least one month in advance to the Designated Competent Authority and the application for the import of each item shall be made separately in Form A or B, as the case may be, in the manner laid down in this Order.

(iii) The sanitary import permit shall be issued for import of pet food product of animal origin if, after a detailed import risk analysis, the concerned authorities are satisfied that the import of the consignement shall not adversely affect the health of the animal or human beings or both in India.

FORM A

[See clause 3(ii)]

APPLICATION FOR PERMIT TO IMPORT OF LIVE-STOCK PRODUCTS FOR PERSONAL CONSUMPTION

To.

The Joint Secretary
Trade Division
Government of India
Department Of Animal Husbandry, Dairying and Fisheries
Ministry Of Agriculture
Krishi Bhawan,
New Delhi-110001. [the Designated Competent Authority]

The undersigned hereby applies for apermit authorizing the import of pet food products of animal origin as per details given below --

(Please write / type in block letters)

1. Name and exact description of Livestock Products along with ITC (HS) code to be imported ;
2. Description of the consignment and quantity ;
3. Name and address of the consignor ;
4. Name and address of the importer ;
5. Country and locality in which produced ;
6. Country from which imported into India ;
7. Foreign port of shipment ;
8. Approximate date of arrival of the consignment in India ;
9. Name of (airport / sea port port / land customs station *) point of entry in India :

DECLARATION

I declare that the information furnished herein above is correct to the best of my knowledge and belief ;

I undertake to produce all documents and certificates, if any, as specified in the sanitary import permit applied for herein.

Signature of the importer or his authorized agent.

Name :

Postal address

Place :

Date :

* strike out whichever is not aplicable.

SCHEDULE I

[See clause 3 (iv) and (vi)]

Sanitary Conditions

1. The country of export is free from Highly Pathogenic Avian Influenza (HPAI).

2. No ingredient of ruminant origin is incorporated into the pet food product of animal origin except for the following, namely :-

(i) milk or milk products ;

(ii) Protein - free tallow of ovine or caprine origin ; and

(iii) The ovine or caprine materials or ingredients imported from the countries free from TSE group of diseases have been incorporated in the pet food and the following information shall have to be provided; namely :-

(a) details of ingredients ;

(b) certificate number ;

(c) country of origin ;

(d) name of animal health authority Issuing Certificate for the ingredient ; and

(e) date of endorsement of the certificate :

3. The certified materials or the animal origin components of the pet food product of animal origin has been processed at a temperature to attain an internal temperature of not less than 70^{O} C for 30 minutes or been processed through an alternative method offering equivalent guarantees with regard to microbiological safety approved by the Government of India in the Department of Animal Husbandry, Dairying and Fisheries.

SCHEDULE II

[See clause 3 (vii)]

List of the countries prohibited for import of pet food of animal origin

1. In case the pet food product of animal origin contains the meat or its products, edible or non-edible organ or tissue from poultry or any other kind of bird origin, originates from countries positive for Highly Pathogenic Avian Influenza.

2. In case the pet food product of animal origin contains the meat or its products, edible or non-edible organ or tissue from ruminant origin originates drom countries positive for Transmissible Spongiform Encephalopathy.

FORM B

[See clause 3(ii)]

APPLICATION FOR PERMIT TO IMPORT LIVE-STOCK PRODUCTS FOR TRADING / MARKETING

To

The Joint Secretary
Trade Division
Government of India
Department Of Animal Husbandry, Dairying and Fisheries
Ministry of Agriculture,
Krishi Bhawan,
New Delhi-110001. [the Designated Competent Authority]

The undersigned hereby applies for a permit authorizing the import of pet food products of animal origin as per details given below :-

1. Name and full postal address of Importers

2.

S. No.	Exact description of livestock products with Indian Trade Classification (Harmonised System)-ITC)HS) code	Details of livestock from whom it is produced	Quantity	
			Number of packages	Total weight / Volume
1	2	3	4(a)	4(b)

3. Catalogue of livestock products producer establishing identify of the livestock products / material to be imported.

4. Name and address of the producer ;
5. Name and address of the consignor ;
6. Country and locality in which livestock products produced ;
7. Country from which imported into India ;
8. Foreign port of shipment ;
9. Approximate date of arrival of the consignment in India ;
10. Name of (airport / sea port / land customs station *) point of entry in India :

DECLARATION

I declare that the information furnished is correct to the best of my knowledge and belife.

I undertake to produce an official Sanitary-phytosanitory certificate with additional declaration, if any, as specified in the permit.

Signature of the importer or his authorized agent.
Name :
Postal address :
e-mail address (if any)

Place
Date :

[F.No. 109-6/2001-Trade]

UPMA CHAWDHRY, Jt. Secy.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ

ರಿಚಾರ್ಡ್ ಲೋಬೋ

ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ, ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ,
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

ಪಿ.ಆರ್. 19